

Remarks

Claims 1-20 are pending in the application, and stand rejected. Favorable reconsideration is respectfully requested.

Claims 1-20 were rejected under 35 USC 103(a) as being unpatentable over Kumar et al. ("Kumar") (US 6,434,367) in view of Griefer (US 5,615,213). To establish a prima facie case of obviousness under § 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, Section 2143.03 and In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In view of the foregoing authority, the Applicant respectfully submits that the cited references do not support the asserted rejection.

Kumar and Griefer do not support the asserted rejection for at least the reason that Kumar and Griefer are both silent as to "determining, based on an absence of a latency dependency of ... data due to a content of the data, wherein the content includes at least one of private, public or business information, whether the data is appropriate for transmission over a digital control channel," as required by each of independent claims 1, 3, 7, 9, 13, 15 and 19. The latter recitation is supported by the present specification at, for example, page 4, final paragraph.


Accordingly, the independent claims are allowable over Kumar and Griefer. Moreover, the dependent claims are likewise allowable over Kumar and Griefer, for at least the reason that they each include the recitations of one of the independent claims. Withdrawal of the rejection of claims 1-20 is therefore respectfully requested.

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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